THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

Writ Petition No.8292 of 2003

24.10.2007

BETWEEN

S.Narayana Swamy

.....Petitioner

AND

The District Collector, Vizianagaram and others.

.....Respondents

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

Writ Petition No.8292 of 2003

ORDER:

Petitioner is a fair price shop dealer of Nandam village, Gantyada Mandal, Vizianagaram District. He was served with a show-cause notice, dated 20.02.2002, to show cause as to why his authorization shall not be cancelled on the ground that he diverted rice given for Food for Work programme for other purposes and that he did not properly account for that rice. The petitioner sent his reply to the said show-cause notice stating that 75 quintals of rice which was given on 11.12.2001 was distributed to the labour in the presence of the ward members 7 to 10 and records have been properly maintained. But the Revenue Divisional Officer, (third respondent) passed an order canceling the authorization given to the petitioner. The petitioner carried the matter in appeal to the Joint Collector, without any success. His revision to the first respondent was also dismissed. So, he filed the present writ petition questioning the cancellation of his authorization.

Though the writ petition was filed in 2003, no counter

affidavit was filed on behalf of any of the respondents.

The main contention of the learned counsel for the petitioner is that even assuming that the petitioner misused the rice given for Food for Work Programme, the third respondent should not have cancelled the authorization of the petitioner on that ground as this Court in **Padmanabhuni Narayana Murthy v District Collector, Visakhapatnam** (W.P.No.5208 of 2003, dated 31.03.2006), held that irregularity in distribution of rice under Food for Work Programme, which is not part of Public Distribution System, cannot be said to be violative of conditions of authorization issued under 1973 Control order.

From the reading of the order of the third respondent, which was confirmed by the second respondent and the first respondent in appeal and revision, it is clear that the cancellation of authorization of the petitioner was only because of his (alleged) misuse of the rice given to him under Food for Work programme, which according to **Padmanabhuni Narayana Murthy**'s case is not a part of Public Distribution System. Therefore, cancellation of authorization of the petitioner on the ground of misuse of the rice given under the Food for Work programme, is unsustainable and is liable to be set aside, and is accordingly set aside.

Therefore, the writ petition is allowed with costs.

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C.Y.SOMAYAJULU, J

24.10.2007
VGB